

Notice of Allowability

Application No.

10/071,768

Examiner

Igor N. Borissov

Applicant(s)

KWAN, EDMUND MING

Art Unit

3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Interview Summary of 01/25/07.
2. ☒ The allowed claim(s) is/are 40-42,44-46,48,49,51,56,57,98-100,102,104-112.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

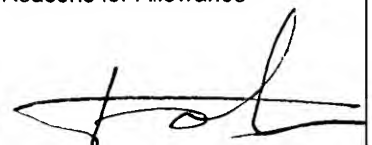
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


IGOR N. BORISSOV
PRIMARY EXAMINER

Remarks

A personal interview was conducted on Thursday, January 25, 2007, during which possible amendments to the claim were discussed to overcome the teachings of the prior art of record, as well as to address 35 USC § 112 issues. Finally, the agreement was reached, and the examiner indicated allowability of the claims over the prior art of record. Accordingly, Claim Rejections under 35 USC § 112 and 35 USC § 103 have been withdrawn due to the applicant's amendment.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a personal interview with an applicant's representative Marina Portnova (Reg. No.: 45,750) on Thursday, January 25, 2007.

The application has been amended as follows:

IN THE CLAIMS

Claims 1-39. (Cancelled)

40. (Currently Amended) The method of claim 112, further comprising ~~the step of~~ determining which partners in the ~~collaboration community~~ list are to be invited to become subscribing partners of the hosted enterprise solution.

41. (Currently Amended) The method of claim 40, wherein ~~the step of~~ determining which partners in the ~~collaboration community~~ list are to be invited to become subscribing partners comprises determining which partners are to be invited based on a standard and open policy provided by the service provider.

42. (Currently Amended) The method of claim 98, wherein each subscribing partner is ~~of~~ one of two or more types of subscribing partners, each type of subscribing partners having different usage privilege of the hosted enterprise solution.

43. (Cancelled)

44. (Currently Amended) The method of claim 112, further comprising ~~the step of~~ determining which partners in the ~~collaboration community~~ list are to be allowed to become subscribing partners.

45. (Currently Amended) The method of claim 44, wherein ~~the step of~~ determining which partners in the ~~collaboration community~~ list are to be allowed to become subscribing partners ~~comprises determining which partners~~ is performed based on a standard and open policy.

46. (Currently Amended) The method of claim 98 112, wherein ~~the step of~~ generating a list of ~~the~~ partners that forms at least a portion of the collaboration community includes accommodating changes to how many partners comprise the collaboration community.

47. (Cancelled)

48. (Currently Amended) The method of claim 98, wherein ~~for one or more~~ each of the subscribing partners, the partner subscription fee and the cost-sharing value are different ~~amounts~~.

49. (Currently Amended) The method of claim 98, further comprising ~~the step~~ of accounting for any partner in the collaboration community who changes its status in regards to being or not being one of the subscribing partners.

50. (Cancelled).

51. (Currently Amended) The method of claim 98, further comprising ~~the step~~ of providing different usage privileges of the hosted enterprise solution to the client, the subscribing partners and the non-subscribing partners.

Claims 52-55: (Cancelled)

56. (Currently Amended) The method of claim 98, further comprising ~~the step~~ of determining usage privileges of the hosted enterprise solution for the one or more subscribing partners based on inputs from the client.

57. (Currently Amended) The method of claim 98, further comprising ~~the step~~ of determining usage privileges of the hosted enterprise solution for the one or more non-subscribing partners based on inputs from the client.

Claims 58-97: Cancelled

98. (Currently Amended) A method for ~~a service provider to enable cost-sharing of a host subscription fee to be incurred for by a client for the use of a hosted enterprise solution by the client and the client's partners in a collaboration community, in which the client and its partners communicate among themselves online, where each partner is either a subscribing partner or a non-subscribing partner, the method~~ executing an enterprise application ~~through the use of~~ via a network enabled system of

Art Unit: 3628

a service provider to enable enterprise solution cost-sharing, the method ~~perform the steps comprising:~~

establishing a hosted enterprise solution to be used by users in a collaboration community, in which the users communicate online, the users comprising a plurality of partners and a client;

determining ~~establishing~~ a cost of the ~~an initial~~ host subscription fee to be incurred by the client;

providing a cost-sharing formula that is based in-part by the use on characteristics pertaining to a number of the users of the hosted enterprise solution, a modifiable number of subscribing partners, and a modifiable number of non-subscribing partners, by all wherein the subscribing partners represent a group of partners within the plurality of partners that pay a partner subscription fee while the non-subscribing partners represent the rest of the plurality of partners that do not pay the partner subscription fee and the client of the collaboration community;

determining, using the cost-sharing formula, a cost-sharing value based on applying a predetermined function to a ~~associated with the partner subscription fee to be paid by one or more of the~~ subscribing partners for the subscribing partner's use of the hosted enterprise solution as part being in the collaboration community, the value being a net saving to the host subscription fee;

~~monitoring each subscribing partner in the portion of the collaboration community who pays a partner subscription fee for his use of the hosted enterprise solution as part of being in the collaboration community, the subscribing partner paying the partner subscription fee to contribute to the value being the net saving to the host subscription fee;~~

~~monitoring each non-subscribing partner in the portion of the collaboration community who does not pay a partner subscription fee for his use of the hosted enterprise solution as part of being in the collaboration community, the non-~~

~~subscribing partner affecting the cost of host subscription fee by his use of the hosted enterprise solution while not contributing to the value; and~~
updating the initial client's host subscription fee to be incurred by the client
~~based at least in part on using the determined cost-sharing value; and~~
providing the hosted enterprise solution for use by the client, the
subscribing partners and the non-subscribing partners.

99. (Currently Amended) The method of claim 112, further comprising the ~~step of~~ determining which partners in the list of partners are not to be invited to become subscribing partners of the hosted enterprise solution.

100. (Currently Amended) The method of claim 98, further comprising ~~the step of~~ communicating the balance of the host subscription fee to the client over the network.

101. (Cancelled)

102. (Currently Amended) The method of claim 40, further comprising ~~the step of~~ tracking partners invited to become subscribing partners who decline subscriptions.

103. (Cancelled)

104. (Currently Amended) The method of claim 112, further comprising ~~the step of~~ generating invitations to all the partners in the list to be invited to become subscribing partners.

105. (Currently Amended) The method of claim 98, further comprising ~~the step of~~ tracking the host subscription fee as it is modified by the cost-sharing value contributed to by a given subscribing partner.

106. (Currently Amended) The method of claim 112, further comprising ~~the step~~ of modifying the list of the partners in the collaboration community based on inputs from the client.

107. (Currently Amended) The method of claim 98, further comprising ~~the step~~ of determining usage privileges of the hosted enterprise solution of the one or more partners in its collaboration community based on inputs from the client.

108. (Previously Presented) The method of claim 98, wherein the hosted enterprise solution comprises a data-exchange enterprise collaboration software solution.

109. (Previously Presented) The method of claim 98, wherein the hosted enterprise solution comprises a document workflow enterprise collaboration software solution.

110. (Previously Presented) The method of claim 98, wherein the host subscription fee is at least partially incurred by the client for using the hosted enterprise solution.

111. (Currently Amended) The method of claim 99, wherein ~~the step of~~ determining which partners in the list of partners are not to be invited comprises determining which partners in the collaborating community are not to be invited based on a standard and open policy.

112. (Currently Amended) The method of claim 98, further comprising prior to determining ~~a cost~~ of the host subscription fee, generating a list of the partners that forms at least a portion of the collaboration community.

Allowable Subject Matter

Claims 40-42, 44-46, 48, 49, 51, 56, 57, 98-100, 102, 104-112 are allowed.

The following is an examiner's statement of reasons for allowance:

As per independent claim 98, the best prior art, Miller et al. (US 200510055306) in view of Shorter (US 2002/0198782) teach a method for creating a user-defined collaborative environment, comprising generating a list of the partners that forms at least a portion of the collaboration community; determining a cost of the host subscription fee based in part by the use of the hosted enterprise solution by all the partners and the client of the collaboration community; determining a value based on applying a predetermined formula to a partner subscription fee paid by one or more subscribing partners for the subscribing partner's use of the hosted enterprise solution as part of being in the collaboration community; and further comprising generating by a client a list of preferred partners; generating a value by applying a predetermined function to preferred subscribers subscription fee; modifying client's host subscription fee based upon results of said generated value; and updating relevant information regarding subscription fee.

However, Miller et al. in view of Shorter fails to teach or fairly suggest that said formula is based on characteristics pertaining to a number of the users of said hosted enterprise solution, a modifiable number of subscribing partners, and modifiable number of non-subscribing partners.

The best foreign art, Akatsuka et al. (JP411213032A) appears to disclose means for calculating privilege points of the customer and a sharing expense charging means for calculating the share of the expense of the calculated privilege points to charge.

However, Akatsuka et al. fails to teach or fairly suggest that said formula is based on characteristics pertaining to a number of the users of said hosted enterprise solution, a modifiable number of subscribing partners, and modifiable number of non-subscribing partners.

The best NPL prior art, Shorter; (A Multiple Method of Doing Business), while teaching hierarchical network structure, including sponsors and consumers, wherein service provider's charges are influenced based on the amount of paying users, fails to teach or fairly suggest that said charges are based on characteristics pertaining to a number of the users of said hosted enterprise solution, a modifiable number of subscribing partners, and modifiable number of non-subscribing partners.

The remaining dependent claims are considered allowable, as they are dependent and based on an allowable independent claims.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submission should be clearly labeled "Comments on Statement of Reason for Allowance".

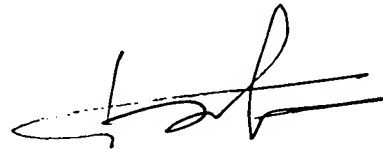
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Igor Borissov whose telephone number is 703-305-4649. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on 703-308-2702. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3628

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

IB
02/04/07

A handwritten signature in black ink, appearing to read 'Igor N. Borissov', with a stylized, sweeping flourish at the end.

IGOR N. BORISSOV
PRIMARY EXAMINER